

Enviro Science Technologies Inc. (EST, Inc.)
15785 S. Keeler Terr.
Olathe, KS. 66062

Inspection Dates:
05/16/2017 & 05/25/17

Performed by:
U.S. Environmental Protection Agency Region 7
WWPD/TOPE/PEST
11201 Renner Blvd.
Lenexa, KS 66219

FIFRA Establishment Inspection Report No. 0516171859001

NARRATIVE

On May 16, 2017, at about 9:00AM I arrived at Enviro Science Technologies Inc. (EST Inc.), 15785 S. Keeler Terr., Olathe, KS 66062. I was accompanied by Candace Bednar, EPA Region 7 inspector. We presented our credentials to Vinay Patel, the company President. I issued to Mr. Patel a Notice of Inspection which he signed and received a copy of.

I began by explaining to Mr. Patel the reason for the inspection and the inspection process. I explained to Mr. Patel that Region 7 had received questions from states concerning the wording on a label of one of the company's products and after review of the company's website had more questions concerning pesticide product information on the company website. We began with the Opening Conference/Pre-Sampling Interview. Present for this interview were Mr. Patel, Candace Bednar and myself.

Opening Conference/Pre-Sampling Interview

Company Information

Company Name	Enviro Science Technologies Inc. (EST Inc.)
EPA Est. No.	83240-KS-1
Responsible Official	Vinay Patel, President
Type of Ownership	Kansas For Profit Corporation

Dates of Inspection	May 16, 2017 & May 25, 2017
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Inspection Participants

Company	Vinay Patel, President Amit Patel, Warehouse Manager Josh Hachem, Office Assistant
U.S. EPA	Shawn Hackett & Candace Bednar

Objectives

To inspect for possible production and distribution of unregistered pesticides, in violation of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA).

Company Background

History of Enviro Science Technologies Inc. (EST Inc.)

Date Incorporated: Established in 2005 with two previous facilities located in Grandview, Missouri and Kansas City, Kansas.

Significant Mergers: None

Related Firms: None

Number of employees at the facility: 7 full time

Label Agreements: None

Consumer Complaint File: The company does not maintain a customer complaint. Mr. Patel stated that most issues would be shipping errors.

EUP Products: None

Manufacturing codes: I asked Mr. Patel if the company uses batch codes or manufacturing codes and he responded no, the company does not use batch codes.

Child Resistant Packaging: The company's products are not packaged in child resistant packaging since none are marketed to the consumer market.

Marketing: The company markets its products through brochures, flyers and trade shows. The company has two sales people who are independent contractors and also are employed by their distributors.

Disposal: Mr. Patel stated that material from broken/spilled containers could be disposed of through suppliers and that no waste results from formulation of products.

Products Inspected as a Percent of Total Sales: Mr. Patel stated that this was at most 1%.

Production: Products are produced on a daily basis. Pesticide products are produced on an order basis only and are shipped immediately to distributors. No pesticide products that are "packaged, labeled & released for shipment" are kept in stock in the warehouse.

Storage and Building Conditions: The total facility is 40,000 square feet. The day of our inspection the office and warehouse appeared to be organized. In the warehouse were pallet racks containing many 55 gallon barrels and 250-275 gallon totes of materials.

Inspection Summary – May 16, 2017

As part of the opening conference I discussed with Mr. Patel if he had an inventory record of products in stock. Mr. Patel responded that no finished products are in stock and active ingredients are inventoried on a sight basis or based on a last purchase record.

I had prepared a list of products based on the company website that we were interested in for the inspection. I went down through this record and made the following notes:

Nano Excel for Herbicide

- This product is an adjuvant that has a bullet on the label that states, "Beneficial when dealing with stubborn burn-down issues or off-label weed control problems". This product was referred to Region 7 by two states who felt the wording of the product label needed further review. Mr. Patel stated that the wording as read by the states was not what was meant. He stated what was meant was that if weeds were larger than what was identified on a herbicide label this product would help with control. We discussed that the wording of this label should probably be edited to clear up the concern.

Horticultural Weed Control HWC-2030

- Mr. Patel that this product had been discontinued about 4-5 years ago. (See more information concerning this product later in the narrative).

Nano Weed Control (Non EPA)

- Mr. Patel stated that this product was made with acetic acid and be believed it was exempt from registration.

Nema-Max 9000

The active ingredients for this product were in stock.

Total Weed Killer-2000

- Mr. Patel stated this product was discontinued about 4-5 years ago.

Tobacco Pesticide Concentrate

- Mr. Patel stated this product was discontinued about 4-5 years ago.

Stump-X

- Mr. Patel stated this was a “copper” product but was discontinued about 4-5 years ago.

Insecto-Max Concentrate

- Mr. Patel stated this was an “all-natural” product and he didn’t believe it required registration.

EST Microcide IV-HIV & HBV & HCV Virucide

- Mr. Patel stated that the active for this product was in stock.

Laundry Detergent with SEBC for Septic Tanks

- I reviewed some additional material for this product and removed it from the inspection list as no pesticidal claims were made for this product.

We next proceeded to the warehouse. Mr. Patel showed Ms. Bednar and I around the warehouse and we attempted to locate active ingredients for products in question. We required the help of Amit Patel, Mr. Patel’s son and the company Warehouse Manager, to find some of the actives in question.

As I reviewed raw materials I did not observe any EPA registration numbers on the packaging until we came to one product in a 55gallon drum, Mason Chemical Company Maquat MC1412-50%. It contained a label with an EPA registration number 10324-6, along with some copies of shipping documents still on the barrel. I photographed the barrel, the product label and the shipping documents. While taking the photos I observed that the barrel had been tapped and had a plastic two-way spigot attached. Vinay Patel stated that this product was used to formulate and produce the EST Microcide IV product, EPA registration number 61178-1-3150. Next was a product named Surcide DMDMH. This product is also used in the production of Microcide IV but does not have an EPA registration number. I also photographed a barrel of Soybean Oil and a tote of Glycolic Acid.

As we began to return towards the office we discussed product or “bin” labels. Amit Patel showed to us the area where they were stored. Mr. Vinay Patel had to excuse himself at this time due to a pre-arranged conference call. Amit Patel helped us located bin labels. We were able to locate bin labels for the Nano Excel for Herbicide and the Nema-Max 9000. Additionally, with Amit Patel’s assistance were located additional labels for NanoRevolution 3.0, a product made from the same formula as Nano Excel for Herbicide, a revised label Nano Excel 3rd Generation for Herbicide, Nema-Max 9000, and Soil Revitalizer, a product made from the same formula as Nema-Max 9000.

We reviewed these labels. The revised label, Nano Excel 3rd Generation for Herbicide did not have the “off-label weed control products” language as the original label. The Nema-Max 9000 does make pesticidal claims where the product Soil Revitalizer, made from the same formula does not. Amit Patel also placed on the back of the Soil Revitalizer label a printed label with the words “Nema Max 9000 + Soil Retitalizer, explaining that this label is routinely placed on the Soil Retitalizer containers. For the remaining three labels requested Amit Patel stated they would have to be “company labels” which are labels printed by the company as needed.

We returned to the office and were helped by Josh Hachem, Office Assistant since Vinay Patel was still busy on a conference call. Josh said he would locate and print labels of the Nano Weed Control, Insecto-Max Concentrate, and the EST Microcide IV. A short time later he returned with the printed labels that included Insecto-Max, EST Microcide IV, and Horticultural Weed Control HWC-2030. I asked why he printed a copy of the Horticultural Weed Control HWC-2030 label and he stated because it was the current product, not Nano Weed Control.

When Vinay Patel returned to the conference room we discussed this with him. He stated that he had made a mistake, the current product is the HWC-2030 and he has not made the Nano Weed Control for 4-5 years. I asked him what was the difference and he said they were the same formula from the same active ingredient.

I next completed the Books and Records Maintenance checklist with Mr. Patel. From this list Vinay Patel Stated the following:

Pesticide Production – No batch records are kept. Vinay Patel provides a recipe for Amit Patel who measures and mixes the product. For product security reasons Amit Patel then destroys the recipe when finished.

Devices – None produced.

Receiving – Records are kept. Vinay Patel asked for some time to collect these records.

Shipping – Records are kept. Vinay Patel asked for some time to collect these records.

Inventory – Kept via visual sight or from purchase records, active ingredients only.

Advertising for RUP’s – Non produced.

Guarantee – None given.

Export – No products exported.

Disposal – No records of disposal. No products disposed of.

Tests on Humans – None kept or available.

Research Data – None available.

Child Resistant Packaging – No consumer products produced.

For a short amount of time we discussed with Vinay Patel what wording on his labels would constitute pesticidal claims and that these claims would require registration of his products. During our discussion Mr. Patel tried to think of alternate wording that would not constitute a pesticidal claim. I completed a Receipt for Samples which Mr. Patel signed and received a copy of. On the Receipt for Samples I requested copies of the receiving and shipping records. Since Mr. Patel was leaving town the next day on travel we agreed to return the morning of May 25th at 9AM. We thanked Mr. Patel for his time and left the business at 12:05PM.

When I returned to the office I did some additional research on the label of EST Microcide IV. There were several items on the label and observed during the inspection that did not add up. These were:

1. The EPA registration number for EST Microcide IV is 61178-1-3150.
 - The product 61178-1 belongs to Microgen, Inc., product D-125.
 - The distributor number 3150 belongs to Cetylite Industries Inc., their product number 61178-1-3150 is named Cetylceide II.
 - The product being used to formulate the EST Inc. Microcide IV was Mason Chemical Company product Maquat MC1412-50%, EPA registration number 10324-6.
2. The EPA establishment number on the label is 83240-MO-001. This appears to have been the company's active establishment number (from SSTS records) when it was located in Grandview, Missouri from 9-15-2006 until it was inactivated 11-08-11. I searched the business file at the Region 7 office and also found an email from the business dated April 21, 2017 and a Notice of Supplemental Distribution of a Registered Pesticide Product with Mr. Patel's signature dated 03-14-2017. From the information on this form it appears that EST Inc. intends to allow a company named EcoSeal, Inc. of Ft. Worth, Texas to market a private labeled product named EcoSeal Finest QSA based on the product Cetylceide II, EPA registration number 61178-1-3150.

I also reviewed OPPIN for the product Tri-K Surcide DMDMH. On the product label it stated "A broad-spectrum bactericide and fungicide for use in cosmetic preservation". This product did not have an EPA registration number on the label but when checked in OPPIN two of the ingredients, CAS #'s 6440-58-0 and 50-00-0 were contained in other products that had EPA registration numbers. Based on this it appears that Surcide DMDMH may be an unregistered pesticide.

Inspection Summary – May 25, 2017

On May 25, 2017, at about 9:10AM Candace Bednar and I returned to the business. Again we presented our credentials to Vinay Patel and issued to him a Notice of Inspection. Mr. Patel signed and received a copy of the notice.

We began by reviewing the receiving records. Mr. Patel had pulled receiving records for the ingredients in the five products we had discussed at the first inspection. Since some of the ingredients were used in more than one product I made notes of what ingredients were in which products. I also asked Mr. Patel to verify which ingredient was the active ingredient in each product.

<u>Product</u>	<u>Ingredient(s)</u>
Nano Excel 3 rd Generation for Herbicide (Surfactant)	-Calfax 10L 45 -NP9 -Nexeo Chelating Agent
Horticulture Weed Control HWC-2030	-Glycolic Acid (Active)
Nema-Max 9000	-Liquid Humic -ProTecTor (a preservative)
Insecto-Max	-Brix Cane Molasses (Active*) -Soybean Oil (Active)
EST Microcide IV	-NP4 (surfactant) -Maquat MC1412 50% (Active) -Tri-K Surcide DMDMH (a preservative)

*I asked Mr. Patel to explain how Brix Cane Molasses would be a nematocide. Mr. Patel explained that the sugar in the molasses benefits the bacteria in the soil and by doing so will kill off the nematodes in the soil.

Next reviewed were the sales/distribution records. Mr. Patel and his staff had records of distribution for each of the products in question. There were not five records of sales for any of the products in the last five years. We discussed the lack of sales records and Mr. Patel stated that these were all the sales for each of these products. I observed that for one of the products, the EST Microcide IV the last sale was in 2014. That appeared strange since the current barrel of Maquat MC1412-50% purchased in 2016 had been opened and had been used out of. I asked Mr. Patel to explain this and he stated that the Maquat MC1412-50% is also added to the company's laundry detergent product at the rate of 1 ounce per 100 gallons and acts as a preservative for that product.

At this point of the inspection Mr. Patel left the conference room while Ms. Bednar and I prepared the Receipt for Samples, Label Certification Statement stickers, and a Written Statement. At this time Ms. Bednar observed in the sales records provided that there appeared to be sales of products that Mr. Patel had stated to us had not been produced for 4-5 years. These products included:

Nano Weed Control Non-EPA
Total Weed Killer 2000 Green
Nano Weed Control

Ms. Bednar and I also discussed that it seemed strange that there had been no production of the Nema-Max 9000 product under the private label name "Soil Revitalizer" for the company Max Systems LLC of Lake Lillian, MN.

Closing Conference

When Mr. Patel returned a short time later we asked about the sales in question. Mr. Patel stated that these were mistakes on the invoices and he offered the following explanation.

Nano Weed Control Non-EPA > Was actually a sale of Nano Excel.
Total Weed Killer 2000 Green > Was actually a sale of Horticulture Weed Control.
Nano Weed Control > Was actually a sale of Nano Excel.

We also discussed the lack of sales for the "Soil Revitalizer" product. Mr. Patel checked his records and came back a few minutes later with two records of sales for this product, one in 2015 and one in 2016.

I presented to Mr. Patel the completed Receipt for Samples for the documents received that day. Vinay Patel signed the two Receipt for Samples and received a copy of each. Next Mr. Patel signed completed label certification statements for the labels that matched the records received. Mr. Patel read the completed written statement that described the business, it's past and present locations, business practices, products discussed during the inspection, labels and paperwork provided. Mr. Patel signed the completed Written Statement and made a copy for his records (this form is one sheet only). I discussed with Mr. Patel the next steps of the process that included my report writing and review of the report by a Region 7 Case Review Officer (CRO). We thanked Mr. Patel for his time and left at 11:50AM.

Attachments

FIFRA Notice of Inspection – 2
FIFRA Receipt for Samples – 3
Pre-Sampling Interview Checklist
Book and Records Maintenance Checklist
Written Statement from Vinay Patel – 2 pages
Vinay Patel Business Card
Receiving Records – 52 pages
Sales/Distribution Records – 17 pages
Enviro Science Technologies website information – 15 pages
Company Information from OPPIN – 29 pages
Product Labels – 8
Company Information from R7 file – 2 pages
Inspector Notes – 1 sheet front and back
EPA Region 7 Digital Image Chain of Custody
Photographs on CD-R – 18
EPA Region 7 Digital Image Description Log – 1 page



Shawn Hackett
FIFRA Inspector
U.S. EPA Region 7

5-31-2017

Date